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09/844,920	04/26/2001	Erin H. Sibley	PD-201030A	2072

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EXAMINER

NGUYEN, THUAN T

ART UNIT	PAPER NUMBER
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2618

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	01/03/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

09/844,920

Applicant(s)

SIBLEY ET AL.

Examiner

THUAN T. NGUYEN

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____. |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claim 19 is rejected under 35 U.S.C. 102(e) as being anticipated by Herring (US Patent 6,958,987 B1).

Regarding claim 19, Herring teaches a base station with an antenna for receiving and transmitting electronic content and a compression software for compressing the electronic content into a compressed signal within the base station; conditional access software accessing the electronic content; and having a wireless LAN interface for wirelessly broadcasting the compressed signal through the transmitting area network antenna as a compressed wireless rebroadcast signal (refer to Figs. 2 & 3, the base station 102 is a user device with compression software therein for rebroadcasting the compressed signal as it receives from voice and data network 109 or 110, col. 4/lines47-56 & col. 5/lines 20-49 for the compression; and the features of retransmission, error checking, modulation/demodulation, adaptive filtering and encoding/decoding –which referred to “condition accessing” the content --is performed at the base station; see further in the examiner’s arguments).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made

4. Claims 1-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fuller (U.S. Patent No. 5,729,297) in view of and Herring et al (US Patent 6,958,987 B1).

Regarding claim 1, Fuller discloses “a system of distributing electronic content” (Fig. 1) comprising: “a network operations center generating a broadcast signal having digital electronic content”, i.e., digital broadcast electronic content are stored in a distribution center 104 and an uplink facility 102 regarding as a network operations center generates a broadcast signal having digital electronic content or digital programming signals to a plurality of downlink facilities 108, 110 & 112 (Fuller, Fig. 1, and col. 8/line 64 to col. 9/line 1); “a communication backbone coupled to said network operations center”, i.e., a communication network 100 or communication backbone coupled to the network distribution facility 102 using satellite links (as illustrated in Fig. 1, and col. 8/line 64 to col. 9/line 25); “a base station receiving said broadcast signal from said backbone and forming a wireless local area network”, i.e., a facility 108 serves as a base station in receiving the broadcast signal from the distribution network 100 (Fig. 2, and col. 9/lines 25-53); “said base station over-the air rebroadcasting at least a portion of said broadcast signal as a rebroadcast signal using said wireless local area network”, i.e., using a

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redistribution network 204 and a local area network 404 part of redistribution network 204, the facility 108 or base station 108 redistributes at least a portion of the broadcast signal to other user terminals 208 as a rebroadcast signal (Figs. 2 & 4, and col. 9/line 54 to col. 10/line 30 as a special-pay per-view program as a portion of the broadcast signal because not all users will receive all available programs, but they have to do a special order in receiving a part of available programs, and col. 13/line 57 to col. 14/line 25 for network 204 and a local area network 404); and a user appliance positioned with said local area network and receiving said rebroadcast signal, i.e., user appliance 210 coupled to terminal 208 within the local area network of distribution network 204 receives the rebroadcast signal over the air using RF signals (Fuller, Figs. 2 & 4, col. 9/line 54 to col. 10/line 30, and col. 10/lines 9-47 & col. 13/line 57 to col. 14/line 40).

Fuller does not address that Fuller's system further specify the term "a wireless local area network" within that local area network and further "said user appliance having conditional access software therein, said conditional access software allowing the user appliance to access the rebroadcast signal"; however, Herring teaches the same technique as Herring discloses a base station with an antenna for receiving and transmitting electronic content and a compression software and other functions as conditional access software for compressing the electronic content into a compressed signal within the base station, and having a wireless LAN interface for wirelessly broadcasting the compressed signal through the transmitting area network antenna as a compressed wireless rebroadcast signal (refer to Figs. 2 & 3, the base station 102 is a user device with compression software therein for rebroadcasting the compressed signal as it receives from voice and data network 109 or 110, col. 4/lines 47-56 & col. 5/lines 20-49 for the compression;

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and the features of retransmission, error checking, modulation/demodulation, adaptive filtering and encoding/decoding –which referred to “condition accessing” the content are performed at the base station). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Fuller’s technique of providing a local area network either for wireless or wireline for users to communicate to each other in a small local area network with Herring’s teaching technique of upgrading to a wireless local area network with the wireless LAN network interfaces (col. 1/lines 40-60 & col. 2/lines 34-43) as addressed in order to expand the capability of broadcast system in term of bandwidth and data rates in redistributing the broadcast signals to other user appliance devices within home using the wireless LAN.

As for claim 2, in view of claim 1, Fuller further discloses comprising “a television coupled to said base station, said television receiving at least a portion of said rebroadcast signal”, i.e., a television 210 coupled to the base station or the facility 108 (Fig. 2), and a special-pay per-view program as a portion of the broadcast signal addressed because not all users will receive all available programs, but they have to do a special order in receiving a part of available programs (col. 9/line 54 to col. 10/line 30).

As for claim 3, in view of claim 1, Fuller discloses “wherein said base station forms said rebroadcast signal from said digital electronic content”, i.e., video server 202 within the facility 108 continually updates and selects programs for rebroadcasting to users based on their requests or commands and the programming is digital video programming signals from the distribution center 104 (col. 8/line 64 to col. 9/line 14, and col. 12/line 37 to col. 13/line 21).

As for claims 4 and 5, in view of claim 1, Fuller further discloses “wherein said electronic content comprises digital audio signals” and “wherein said electronic content

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comprises video”, i.e., digital video programming signals includes video and audio signals (col. 3/lines 15-29, col. 6/lines 27-40 & col. 7/lines 20-36 for an MPEG converter in handling digital video and digital audio signals).

As for claim 6, in view of claim 1, Fuller further discloses “wherein said backbone comprises a high altitude device, cable or fiber optic cable”, i.e., a satellite is a high altitude device (Fig. 1/item 106) and fiber optical cable or cable trunks can be used for distribution network 204 (col. 9/line 54 to col. 10/line 8).

As for claims 7 and 8, in view of claim 6, Fuller discloses “wherein said high altitude device comprises a satellite” and inherently discloses “wherein said high altitude device comprises a stratospheric platform”, i.e., a satellite must be a high altitude device and in a stratospheric platform (Fig. 1/item 106; and as admitted without further details in section 0016 of the specifications).

As for claim 9, in view of claim 1, Fuller further discloses “wherein said base station comprises an integrated receiver decoder”, i.e., an integrated receiver decode IRD 200 is included within the facility 108 or referred to as the base station (Fig. 2/item 200, and col. 9/lines 25-35).

As for claim 10, in view of claim 1, Fuller further discloses “wherein said rebroadcast signal is compressed at the base station into a compressed signal”, i.e., signals being compresses in the compressed form of MPEG signals at the server regarding as the base station (Fig. 6, and col. 18/line 58 to col. 19/line 20).

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As for claim 11, in view of claim 1, Fuller further discloses “wherein said backbone comprises a cable network” (col. 9/line 54 to col. 10/line 8, and col. 28/lines 29-52 as this technique is for use in cable television networks).

As for claim 12, in view of claim 1, Fuller further discloses “wherein said backbone comprises a fiber optic network” (col. 28/lines 29-52 as fiber optical cable transmission is included within the network).

Regarding claim 13, Fuller discloses “a method of distributing electronic content” (Fig. 1) comprising the steps of: “coupling electronic content to a redistribution device; receiving the electronic content from the redistribution device; over-the-air broadcasting at least a portion of the electronic content from the redistribution device”, i.e., digital broadcast electronic content are stored in a distribution center 104 and an uplink facility 102 generates a broadcast signal having digital electronic content or digital programming signals broadcasting to a plurality of downlink facilities 108, 110 & 112 via satellite links as means for over-the-air coupling or broadcasting to redistribution device 108, 110 & 112, and these devices receive the electronic content or digital programming services (Fuller, Fig. 1, and col. 8/line 64 to col. 9/line 1), the distribution network 204 receives and transmits the rebroadcast signal over the air using RF signals (Fuller, Figs. 2 & 4, col. 9/line 54 to col. 10/line 30, and “receiving the over-the air broadcast electronic content through a user appliance”, i.e., the user at user appliance 210 receives the electronic content or digital programming using the RF system and the MATV system (Fig. 2, col. 9/line 54 to col.10/line 30 and col. 10/lines 13-30).

Fuller does not address that Fuller’s system further specify the term “a wireless local area network” within that local area network and further “said user appliance having conditional

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access software therein, said conditional access software allowing the user appliance to access the rebroadcast signal”; however, Herring teaches the same technique as Herring discloses a base station with an antenna for receiving and transmitting electronic content and a compression software as conditional access software for compressing the electronic content into a compressed signal within the base station, and having a wireless LAN interface for wirelessly broadcasting the compressed signal through the transmitting area network antenna as a compressed wireless rebroadcast signal (refer to Figs. 2 & 3, the base station 102 is a user device with compression software therein for rebroadcasting the compressed signal as it receives from voice and data network 109 or 110, col. 4/lines 47-56 & col. 5/lines 20-49 for the compression; and the features of retransmission, error checking, modulation/demodulation, adaptive filtering and encoding/decoding –which referred to “condition accessing” the content are performed at the base station). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Fuller’s technique of providing a local area network either for wireless or wireline for users to communicate to each other in a small local area network with Herring’s teaching technique of upgrading to a wireless local area network with the wireless LAN network interfaces (col. 1/lines 40-60 & col. 2/lines 34-43) as addressed in order to expand the capability of broadcast system in term of bandwidth and data rates in redistributing the broadcast signals to other user appliance devices within home using the wireless LAN.

As for claim 14, in further view of claim 13, Fuller further discloses “wherein the step of receiving over-the-air broadcasting comprises over-the-air broadcasting from a base station”, i.e., Fuller suggests that system using RF signals and MATV system (master antenna TV) for transmitting and receiving electromagnetic waves broadcasting in spaces or over-the-air in

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addition to optical fiber cable (Fuller, col. 9/line 54 to col. 10/line 30); and refer to claim 13 above for wireless or over-the-air issue with the base station or processing system 10 of Hylton.

As for claim 15, in further view of claim 13 above, Fuller further discloses “wherein the step of over-the-air broadcasting comprises forming a local area network with the user appliance”, i.e., over-the air broadcasting from satellite 106 down to a facility 108 (Fig. 2) forming a local area network 404 within the distribution network 204 with the user appliance 210 (Figs. 2 & 4, and col. 13/line 39 to col. 14/line 24 for LAN 404 addressed; and refer to claim 13 above for wireless or over-the-air issue for forming the local area network.

Regarding claim 16, the combination of Fuller and Herring teaches “a method of distributing electronic content comprising the steps of: broadcasting a television signal as a electronic content; receiving the electronic content at a base station; digitally compressing the electronic content into a compressed signal at the base station; and over-the-air rebroadcasting the compressed signal using a wireless local area network” (see claim 1 above for the combined teaching of Fuller and Herring, with a television signal as an electronic content addressed in Fuller’s, col. 3/lines 15-30 for cable television programming with video-on-demand broadcasting to TV users, and further in Fuller’s, col. 3/lines 39-54 for movies with digitally compressed delivering to TV set in customer’s room; and over-the-air issue concerned in Fuller, col. 9/line 54 to col. 10/line 36; and the teaching of Herring for the wireless local area network for wireless user appliance devices within a wireless local area network; as well as the conditional access software as in claim 1 above).

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As for claim 17, in view of claim 16 above, Fuller discloses “comprising the steps of receiving the compressed signal at a user appliance” (see col. 3/lines 39-54 for compressed signal delivered to customer’s TV set).

As for claim 18, in view of claim 16, Fuller further discloses “wherein the step of receiving comprises the steps of digitally decompressing the digital video stream, and displaying the video stream”, i.e., digital compressed video are encoded at video server and then later being decoded or decompressing, for instance, with an MPEG decoder, into an RF format or as baseband video signals that users can view on their display TV set (col. 4/lines 22-31 & col. 6/lines 15-27).

Response to Arguments

5. Applicant's arguments filed on 10/10/06 have been fully considered but they are not persuasive. Applicant mainly argues and focuses on the issue that Herring does not show “the conditional access software” and states that the equivalent of compression/decompression and the conditional access are not the same. The examiner believes compression/decompression can either be a part of “conditional access” or a separate process as well; and the examiner clarifies on this issue that the term “conditional access/conditional accessing” simply referred to the enabling the use of the signals (as applicant admits). Therefore, anything related to the modification/adjusting to the condition of the content signals -meaning providing “condition accessing”- for improving the performance of the signal for a specific use. In other words, the features of retransmission, error checking, modulation/demodulation, adaptive filtering and encoding/decoding –which referred to “condition accessing” the content (even if the applicant does not agree the compression/decompression is not the same as “conditional access”).

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Conclusion

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

7. **Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to the New Central Fax number:

(571) 273-8300, (for Technology Center 2600 only)

Hand deliveries must be made to Customer Service Window,

Randolph Building, 401 Dulany Street, Alexandria, VA 22314.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tony Thuan Nguyen whose telephone number is (571) 272-7895. The examiner can normally be reached on Monday-Friday from 10:00 AM to 7:00 PM.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



TONY T. NGUYEN
PATENT EXAMINER, FSA

Tony T. Nguyen
Art Unit 2618
December 22, 2006